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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590

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EXAMINER

TSIDULKO, MARK

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/034,579

Applicant(s)

VOGEL ET AL.

Examiner

Mark Tsidulko

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-18,20 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) 2,19 and 21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25 is/are allowed.
- 6) ☒ Claim(s) 1,3-7,10-17,20,26-28 is/are rejected.
- 7) ☒ Claim(s) 8,9 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### DETAILED ACTION

1. The submission of the amendment filed on 12/17/02 is acknowledged. At this point claims 1, 4, 13, 18, 20 have been amended, claims 2, 19, 21 have been canceled, new claims 22-28 have been added and remaining claims left unchanged. Thus, claims 1, 3-18, 20, 22-28 are at issue in the instant application.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6, 7, 11-15, 20, 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herni (FR 2575575).

2. Referring to Claims 1, 13, 20 Herni discloses (Fig.2, Abstract) an apparatus for displaying images having:

- a light transmissive inner hollow body that has a central axis and surface with images thereon (Abstract, lines 4, 5);
- a single electric light source inside the inner hollow body;
- an outer hollow body having one black opaque hemisphere and one clear hemisphere and surrounding the inner body with a common central axis;
- an electric motor which rotates the outer body about the central axis.

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Herni disclose the instant claimed invention except for:

- whole outer body made of light transmissive material;
- the electrical motor rotates the inner body.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Herni having both hemispheres of outer body made of clear material as second hemisphere in order to serve the outer body as a projection screen. It is also obvious that the electrical motor can be used for rotation of inner or outer body depending on necessity.

3. Referring to Claims **3, 14** Herni discloses (Fig.2) that the inner and outer bodies are spherical and concentric.

4. Referring to Claims **4, 15** Herni discloses (Fig.2) an apparatus having a housing fixed to the outer body and holding the electrical motor and the light source [11].

5. Referring to Claims **6, 10, 17** Herni discloses (Fig.2) that the inner body has a second opening concentric to the axis and axially opposed from the first opening.

6. Referring to Claim **7** Herni discloses (Fig.2) that the outer body has a second opening (Abstract, line 2). It is understood that the second opening shown by Herni can be located at any place of the outer body depending on necessity.

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7. Referring to Claim **12** Herni discloses (Abstract, lines 4, 5) that the inner body has an image of the map. It is understood that the image of the map can be placed on inner or outer body surface depending on necessity.

8. Referring to Claims **26, 27** Herni discloses an apparatus having a single light source. It is understood that the regular incandescent bulb, well known in the art, having a transparent envelope can be used in the apparatus.

9. Claims **5, 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Herni (FR 2575575) in view of Ho (US 5,552,975).

Herni discloses (Fig.2, Abstract) an apparatus having a rotating member (gear system) which is driven by motor, the light source is fixed in a rotating member.

Herni disclose the instant claimed invention except for the inner body has a neck.

Ho discloses (Fig.2) a rotating member [55] which is driven by motor, light source being fixed in a rotating member, inner hollow body [2] having a neck [25] (col.2, line 50) engaging rotating member (col.3, lines 13-23).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide the rotation member of Ho for the apparatus of Herni in order to obtain rotation of inner hollow body.

10. Claim **28** is rejected under 35 U.S.C. 103(a) as being unpatentable over Herni (FR 2575575) in view of Moedt (US 5,379,271).

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Herni disclose the instant claimed invention except for images are translucent.

Moedt discloses the translucent image of the map.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the translucent image of the map as taught by Moedt for the inner globe of Herni for an aesthetic appearance.

*Allowable Subject Matter*

Claims **22-25** are allowed.

The following is an examiner's statement of reasons for allowance:

11. Referring to Claim **22** the prior art of record does not disclose at least one tubular sleeve fitted to at least one of inner hollow body and outer body and having translucent imagery.
12. Claims **23, 24** are allowed as claims depended on claim **22**.
13. Claim **25** is allowed as claims depended on claim **24**.

Claims **8, 9, 18** are objected to as being dependent upon a rejected base claim, but would be allowable if Claim **8** will be rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

14. Referring to Claims **8, 9** the prior art of record does not disclose proper motivation for combining the following features:

- housing is formed with a circumferential flange;

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- opening being formed in two halves with a channel concentric to an axis;
- channel engaging the flange when halves are assembled.

15. Referring to Claim **18** the prior art of record does not disclose a cover which is ingageable to outer hollow body to cover the opening.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703)872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.  
February 27, 2003

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800